

May 3, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, May 3, 2005 at 5:30 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Associate County Attorney Bill Childers, Personnel Director Janice Holland, Financial Officer Christie Pickens and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Walton County EMS Director Nancy Couch brought a new ambulance to the Government Building to give the Board and others an opportunity to look inside.

Joey Witcher of the Source Water Protection Committee made a presentation regarding the Source Water Protection Plan and the services provided by the Committee.

Chairman Little called the meeting to order at 6:00 p.m., led those present in the Pledge of Allegiance and opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda as presented, with requested additions and changes. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Turner made a motion to approve the minutes of the March 31, 2005, April 5, 2005 and April 15, 2005 meetings. Commissioner Palmer seconded the motion; voted and carried unanimously.

At 6:06 p.m., Commissioner Turner made a motion, seconded by Commissioner Palmer, to enter into executive session to discuss pending litigation. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor.

At 6:26 p.m., Commissioner Gasaway made a motion to return to regular session. Commissioner Robinson seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No votes were taken while in executive session.

Walton County Board of Education Attorney Terrell Benton presented a tax levy resolution for the Walton County School District General Obligation Bonds, Series 2005A for the Board's consideration. Commissioner Turner made a motion to adopt the resolution. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Atha and Palmer voted in favor of the motion. Commissioner Robinson abstained. The motion carried.

Personnel Director Janice Holland presented employee new hires, for the record. Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve new hires, for the record, as presented. All voted in favor.

Financial Officer Christi Pickens presented contracts & budgeted purchases of \$2,500.00 or greater for the Board's consideration. Commissioner Robinson made a motion to approve purchases & contracts as presented. Commissioner Palmer seconded the motion; voted and carried unanimously.

Ms. Pickens presented a cellular telephone policy for the Board's consideration. After discussion, Commissioner Gasaway made a motion to table the matter in order to refine the policy and to discuss it during the budget process. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a request from the Public Defender's Office for acceptance of a used patrol car from the City of Covington Police Department and for the purchase of two Nextel cellular telephones. Commissioner Turner made a motion to approve the request for the car and to table a decision on the cellular telephones until the Board resolves the proposed cellular telephone policy for the County. Commissioner Atha seconded the motion; voted and carried unanimously.

Wendell Geiger of the Walton County Water & Sewerage Authority and County Attorney Ken Lander reviewed actions taken by the Authority at its April 28, 2005 meeting. Chairman Little stated that a joint meeting of the Board and the Authority will be held on Thursday, May 19, 2005 at 7:00 p.m. in the Commission Board Room. Mr. Geiger stated that the Authority has changed the date of its regular monthly meeting to the Tuesday prior to the Board of Commissioners regular monthly meeting, the next scheduled date being May 31, 2005. Commissioner Palmer made a motion, seconded by Commissioner Turner, to ratify the actions of the Authority as reflected in the minutes of the April 28, 2005 Authority meeting. All voted in favor.

Commissioner Turner introduced a resolution for the Board's consideration which stated that the Board will actively work to have the Hard Labor Creek regional reservoir, water treatment plant and related transmission facilities in operation as soon as reasonably possible. Commissioner Turner read the resolution aloud. Commissioners Palmer, Atha, Robinson and Chairman Little stated that they would prefer to wait until after the joint meeting of the Commission and the Authority on May 19<sup>th</sup> before considering the resolution. They further stated that they support the reservoir project, but they do not feel that they have enough information to adopt a resolution on such a critical project at this meeting. Commissioner Turner made a motion, seconded by Commissioner Ayers, to adopt the resolution. Commissioners Ayers, Turner and Gasaway voted in favor. Commissioners Palmer, Atha, Robinson and Chairman Little opposed the motion. The motion failed 4-3.

The Board considered a Planning Commission recommendation to approve, with

conditions, a rezone request from A-1 to A for Alexander Rilko & Jacqueline Coburn. The effected property is located at 4930 H.D. Atha Road and is further identified on WC Tax Map C 81, Parcel 33. The purpose of the request is to rezone 10.780 acres for a wholesale greenhouse business. Chairman Little opened the public hearing on the matter. Alex Rilko came before the Board in support of the rezone. Mr. Rilko stated that he would like the restrictions placed on the recommendation by the Planning Commission allowing only 2 greenhouses and organic only changed or taken away. He stated that he plans to grow organic, but may need to revert to conventional growing methods. He added that he would like approval for 10 greenhouses. David Hart spoke in opposition to the rezone stating that his lake gets all of the runoff from the effected property and that the size of the truck the applicant was proposing to use for the business is not large enough to haul the materials. Linda Moon spoke in opposition to the rezone. She stated that her house is in the line of sight of the proposed greenhouses and that she works at night and it would be a disadvantage having a business operation that close to her house during the day while she is sleeping. Chip Shivers also spoke in opposition. Mr. Rilko, in rebuttal, stated he wants to put the greenhouses in the open part of the property because he does not want to take down any trees. Planning Director Mike Martin stated that the staff recommendation was based on the request for 2 greenhouses and it would require further evaluation in order for the Planning Department to feel comfortable with making a recommendation for 10 greenhouses due to development issues. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to defer the matter for a full cycle in order to have a recommendation from Planning & Zoning on the applicant's request for approval of 10 greenhouses. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway and Palmer voted in favor of the motion. Commissioners Atha and Robinson opposed the motion. The motion carried 4-2.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to commercial and a rezone from A-1 to B-3 to allow commercial access on 3.17 acres for New Horizon Partnership, LLC. The effected property is located on Georgia Highway 81 and is further identified on WC Tax Map C 21, Parcels 10 Split & 11 Split & C 23, Parcels 29 Split & 30 Split. The purpose of the request is to allow commercial access to parcels that have been annexed into the City of Loganville with a Commercial Highway zoning designation. Chairman Little opened the public hearing on the matter. David Derusa, representing the applicant, came before the Board in support of the request. Mr. Derusa reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the request and stated for the record that the development will put a stranglehold on traffic on Georgia Highway 81 and will create an additional hazard with the school being there. Commissioner Robinson seconded the motion. Commissioner Turner asked Planning Director Mike Martin to have discussion with the City of Loganville about the regional impact of the development. Commissioners Turner, Gasaway, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Ayers abstained due to a conflict. The motion carried.

The Board considered a Planning Commission recommendation to approve, with conditions, a request for alteration of zoning conditions for Earl Duckett. The effected property is located on Country Lane Trail and is further identified on WC Tax Map C 29, Parcels 90 & 91. The purpose of the request is to remove the 2,400 overlay on 40.98 acres to allow R-1 for a private drive subdivision. Chairman Little opened the public hearing on the matter. Earl Duckett of Denmark Development Group, LLC, came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the request to allow a private drive subdivision with the condition that the covenants remain as originally approved. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to medium density residential and rezone from R-1 to A-1 to allow horses on 10.10 acres for Michael & Michele Leach. The effected property is located at 2880 Tig Knight Road and is further identified on WC Tax Map C 49, Parcel 5D. Chairman Little opened the public hearing on the matter. Michael Leach came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the request. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a request for alteration to zoning conditions for David Willett. The effected property, owned by East Atlanta Farms, is located on Emmett Still Road and is further identified on WC Tax Map C 29, Parcels 23, 24 & 25. The purpose of the request is to remove the zoning condition that all homes will be 4-sides brick. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the request. Mr. Willett presented renderings of proposed facades for the homes to be built. Mr. Willett asked that the condition include that no vinyl siding will be used on the homes. There was no opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the request with no vinyl siding allowed and minimum 2,400 sq. ft. houses. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with Open Space Conservation Overlay for Harrington Homes. The effected property, owned by the estate of Luther Harold Jackson, Janice Whitley and Sharon Jenkins, is located on Troy Smith Road and is further identified on WC Tax Map C 75, Parcel 86. The purpose of the request is to rezone 24.44 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of rezone. He stated that a Constitutional letter was submitted at the Planning Commission meeting. There was no one present in opposition. Chairman Little closed the public hearing on the

matter. Commissioner Ayers made a motion to approve the rezone. Commissioner Atha seconded the motion. All voted in favor.

At 8:15 p.m., Commissioner Gasaway made a motion, seconded by Commissioner Turner, to briefly recess. All voted in favor.

Chairman Little called the meeting back to order at 8:25 p.m.

The Board considered Planning Commission recommendations to approve alteration of zoning conditions on the following properties: Evergreen Land & Properties, LLC - located on Boss Road and further identified on WC Tax Map C 38, Parcel 37, Meridian Development Corporation – located on Grady Smith Road and further identified on WC Tax Map C 40, parcels 8A & 9, and A. Fortner Construction – located on Grady Smith Road and further identified on WC Tax Map C 38, parcel 41. Chairman Little opened the public hearing on the requests. Charna Parker of the Planning & Development Office explained that the Planning & Development Department initiated these requests for alterations. She stated that conditions were placed on these three rezones to require a water study from the Water Authority and the Fire Department. She stated that the Water Authority, through Hightower Engineers, runs a model and comments are received by the Planning Department prior to approval and are made a part of the staff reports. She added that the Fire Department cannot do a study until the hydrants are in place, so in order to move forward with the development, the conditions need to be removed. Attorney Paul Rosenthal spoke in favor of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve removal of the conditions for water studies on the aforementioned rezones. All voted in favor.

The Board considered a Planning Commission recommendation to approve alteration to zoning conditions for Meridian Development Corporation. The effected property is located on Michael Etchison Road and is further identified on WC Tax Map C 97, Parcel 19. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Office stated that the conditions placed on the rezone would require a construction entrance on Ammons Bridge Road and after reviewing the site, there is not sufficient sight distance on the road to allow the construction entrance. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve alteration to the zoning conditions. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve amendments to the WC Land Development Ordinance with changes to Errata Sheet dated 2-4-05 and with changes submitted by Planning Commission Chairman Jimmy Payne. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Office reviewed the proposed amendments with the Board. There was no

one present in opposition to the amendments. Commissioner Ayers stated that the Board needs to address the Planning Commission about checking with the Planning & Development staff before making recommendations for amendments to the Land Development Ordinance. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the amendments with changes as shown on Errata Sheet dated 2-4-05, with the exception of #8 regarding gated subdivisions, which will be discussed at a future work session. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered Planning Commission recommendations to adopt policies, procedures and standards as outlined in the WC Land Development Ordinance. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Office reviewed the request with the Board. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve policies, procedures and standards as presented. All voted in favor.

The Board considered a Planning Commission recommendation to deny a land use designation change from low density residential to high density and a rezone request from A-1 WP-2 to R-1 to allow one additional buildable lot on 2.078 acres for Bill Dial. The effected property is located at 611 Frost Road and is further identified on WC Tax Map C 139, Parcel 74A. Charna Parker stated that the applicant had asked for the request to be withdrawn. There was no one present in opposition to the matter. Commissioner Palmer made a motion to approve withdrawal of the request. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to accept the following rights of way and improvements in new subdivisions: Haddenstone – Flagstone Way, Flagstone Lane & Round Rock Court, Apalachee Falls – Apalachee Falls, River Run & Spring Hill Court, Silver Thorne I – Silver Thorne Drive. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a request to abandon a proposed road located within Riverside Estates. Commissioner Robinson made a motion to abandon the proposed road. Commissioner Atha seconded the motion; voted and carried unanimously.

The Board considered an annexation request from the City of Loganville. The effected property, located at 4250 & 2492 Bay Creek Road, is further identified on WC Tax Maps C 19, Parcel 2 – 6.03 acres, C19, Parcel 3 – 18.687 acres & C 41, Parcel 5A – 14.97 acres. Commissioner Turner made a motion to approve the annexation. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Robinson made a motion to approve the following refund requests as recommended by the Tax Assessors' Office: Valerie Roach Harper – Tax year 2003 - \$293.71 & Tax Year 2002 - \$292.86, Sheila Capell – Tax Year 2004 - \$338.59 and Ken

Shelton – Tax Year 2005 - \$331.20. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Gasaway made a motion, seconded by Commissioner Palmer, to appoint Dr. C.C. Moreland to the Walton County Board of Health. All voted in favor. Dr. Moreland will serve the un-expired 6-year term of Dr. Michael Sopt, which will expire on 12-31-2005.

The Board considered an addendum to a contract with Allen-Smith Consulting for the CDBG Grant for the Senior Citizens Center. Commissioner Robinson made a motion, seconded by Commissioner Gasaway, to table a decision on the matter for clarification on the need for the addendum. All voted in favor.

The Board considered an addendum to a contract with Carter Watkins Associates on the South Madison Avenue Park. Commissioner Turner made a motion, seconded by Commissioner Ayers, to table a decision on the matter for clarification on the need for the addendum. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve the following Council of Juvenile Court Judges Purchase of Services contracts: John Kracht, Matt McClung, Robert Watts & Jason Ferguson. All voted in favor.

Jimmy Parker of Precision Planning, Inc. presented a proposal for construction administration and periodic constructions observation for improvements on S.R. 81 at Youth Middle School. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the proposal. All voted in favor.

The Board considered a proposal from Attorney Edward D. Tolley for association of counsel for the Walton County Water & Sewerage Authority lawsuit. Commissioner Turner made a motion, seconded by Commissioner Atha, to approve the proposal. All voted in favor.

Jimmy Parker of Precision Planning, Inc. presented bids received for improvements to S.R. 81 at Youth Middle School. Commissioner Turner made a motion, seconded by Commissioner Ayers, to accept the bid from Pittman Construction and to adopt a resolution awarding the bid. All voted in favor.

Associate County Attorney Bill Childers discussed with the Board options regarding the substitution of collateral on the County's M.B.I.A. lease. Commissioner Palmer made a motion to authorize Mr. Childers to look into various options. Commissioner Atha seconded the motion; voted and carried unanimously.

At 9:50 p.m., Commissioner Palmer made a motion, seconded by Commissioner Atha, to enter into executive session to discuss acquisition of real estate. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 9:55 p.m., Commissioner Atha made a motion, seconded by Commissioner Gasaway, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No votes were taken in executive session.

At 9:55 p.m., Commissioner Palmer made a motion, seconded by Commissioner Turner, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

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KEVIN W. LITTLE, CHAIRMAN

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LETA P. TALBIRD, CLERK

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CLINTON AYERS, DISTRICT 1

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MICHAEL TURNER, DISTRICT 2

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VICKIE M. GASAWAY, DISTRICT 3

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LAMAR PALMER, DISTRICT 4

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GERALD ATHA, DISTRICT 5

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JOHN ROBINSON, DISTRICT 6